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C O N F I D E N T I A L SECTION 01 OF 03 GUATEMALA 000127

SIPDIS

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TAGS: [PHUM](#) [PREL](#) [PINR](#) [KJUS](#) [GT](#)

SUBJECT: AMBASSADOR'S INITIAL CALL ON HELEN MACK

REF: A. 02 GUATEMALA 2605

[1](#)B. 02 GUATEMALA 2970

[1](#)C. 02 GUATEMALA 3275

Classified By: HR Off, Katharine Read, for reason 1.5 (d).

[1](#)1. (U) Summary: The Ambassador paid an introductory call on Helen Mack at the Myrna Mack Foundation on January 13. They discussed the proposal to investigate clandestine groups, the impending decertification decision, the Consultative Group meeting, the status of the Mack case, and recent wave of violence. After a cordial discussion, the Ambassador held a brief question and answer session with the press in which he reiterated support for human rights groups and concern over a "deteriorating human rights situation." See paragraph 14 for account of efforts we are making to support the proposal to investigate clandestine groups. End Summary.

[1](#)2. (C) The Ambassador, accompanied by PolOff and HROff, visited the Myrna Mack Foundation on January 13 to meet with prominent justice and human rights advocate Helen Mack. Mack had not been able to attend the Ambassador's initial meeting with human rights groups on December 20 (Ref C). Mack began by thanking the Ambassador for his visit and his vocal support of human rights workers.

Questions about the Investigative Commission Proposal

[1](#)3. (C) Mack invited the Ambassador to attend the press conference that the Human Rights Ombudsman, Sergio Morales, is hosting on January 16, to present to the GOG and the public a proposal to investigate clandestine groups. The Ambassador asked Mack if the human rights community had decided on a specific date range for the scope of the investigative commission (Ref B), what the legal status of the commission would be, and if Sergio Morales would be the public leader of the proposal after his press conference. He also asked why Morales chose January 16 for his public announcement and what kind of responses the human rights leaders had received from GOG entities so far.

[1](#)4. (C) Mack said that the human rights community now agrees that the scope of the investigative commission should be from January of 1996 to the present. Mack said the legal status of the commission is still negotiable, but that the international status of the commission would guarantee its integrity and freedom to operate in the country.

[1](#)5. (C) Turning to the Ombudsman's role, Mack said it is clear that Morales knows it is in his professional interest to ask for this commission and to embrace the human rights community, but he is also concerned about his personal safety. Mack implied that, although Morales will lead the call for a commission, the human rights community will continue to play a major role in ensuring that the commission is set up and can do its work.

[1](#)6. (C) Mack said the Ombudsman chose January 16 to make the proposal public because the human rights community calculated that U.S. counter-narcotics decertification was imminent and that the GOG might support the creation of the commission in order to regain favor with the USG and the international community. Mack asked the Ambassador if he would consider negotiating a decertification waiver in exchange for acceptance of the commission by the FRG leadership. The Ambassador explained that decertification is a unilateral decision of the USG and will not be negotiated with the GOG. However, he pledged our continued support for the commission and told Mack he will attend the Ombudsman's event launching the proposal on January 16.

[1](#)7. (C) Mack, who has a close personal relationship with Vice President Reyes because of her past experience as a businesswoman and Opus Dei member, told the Ambassador that she had solicited Reyes' support for the commission, arguing that it offers the FRG an opportunity to distance itself from the Portillo administration. Mack said that while he did not make any commitments, Reyes is "open" to the idea. He is the only member of the GOG whom Mack has consulted.

Consultative Group

18. (SBU) Mack and the Ambassador agreed that a Consultative Group meeting could be useful to promote further steps toward completion of the peace accord goals. The Ambassador mentioned the USG concern that, if the Consultative Group meeting were held now, Portillo would try to manipulate it for electoral ends. However, as MINUGUA and civil society are strongly in favor of another Consultative Group meeting during this administration, the Ambassador said the USG accepts the idea. He added that we will push to have opposition political parties involved so that they too will buy into the Consultative Group's conclusions and recommendations.

Mack Case Status

19. (SBU) The Ambassador asked Mack about the status of her cases against the GOG in the Inter-American Court on Human Rights (IACHR) and against the three military officers in the domestic courts (Ref A). She said that the trial in the IACHR is set for February 18-20 and that she and her lawyers are busy preparing for the oral debate. The sentence the domestic courts issued in October finding Colonel Valencia Osorio guilty and General Godoy Gaitan and Colonel Oliva Carrera innocent is currently in the appeals court, as both the defense and the prosecution have appealed. Mack said the three possibilities from this appeals process are that the court will annul the sentence, confirm the sentence, or find all three officers guilty. Mack is hoping for the condemnation of all three, but hopes that at the very least the sentence will be confirmed.

Renewed Violence

110. (SBU) The Ambassador shared with Mack his concern over the recent shootings of judges and threats against human rights workers. In the past three weeks there have been a string of murders or attempted murders against prominent individuals, including a former Minister of Defense, former President of Congress, and two sitting judges. He asked her what she thought of the murder of Judge Hector Mauricio Rodriguez, who was killed on January 12. Mack replied that even though he was an administrative judge and the Supreme Court President said that Rodriguez was not involved in "conflictive cases," he was the presiding judge in the Maycom and Telgua telecommunications corruption cases. She said Rodriguez had received previous threats from his work in the Criminal Court, which is why he was carrying a gun at the time of his shooting.

111. (C) Mack believes the threats against human rights activists Orlando Blanco and Claudia Samayoa, as well as the blatant surveillance of Ombudsman Morales' daughters, are all connected to the proposal to investigate clandestine groups. She thinks members of these groups are threatened by the idea of an international investigation and are seeking to intimidate its proponents. The Ambassador pledged to continue to support human rights workers publicly and to call on the government to investigate these incidents.

Press gets a Firm Pledge

112. (U) At the conclusion of the meeting, Ambassador Hamilton had a brief question-and-answer session with the press. Leading daily Prensa Libre published the following excerpt from his statements:

"This (human rights) situation is troubling; after years of improvement, it is deteriorating. We want to see advances and a situation in which there are neither threats nor political violence. You can be sure that our support (for human rights groups) is going to continue."

The article also mentioned that Ambassador Hamilton was concerned about recent acts of violence in the capital and that he has expressed confidence that the Public Ministry would investigate the murder of Judge Rodriguez as well as other violent crimes.

Comment

113. (C) The Ambassador's meeting with Helen Mack highlighted continued USG support for human rights groups but revealed that the human rights community does not seem to have a firm grasp on where the money will come from (note: Mack mentioned MINUGUA transition funds or UN Operations funds), how to lobby the GOG (other than Mack's effective relationship with Reyes), or who will effectively lead the proposal to its

fruition.

14. (C) Although the proposal is no panacea for the problem of clandestine groups, we believe it has merit and are encouraging the GOG and the FRG to support it. To that end, the Ambassador spoke by phone with President Portillo January 14, Portillo responding that the GOG would indeed back the proposal (we shall see). The Ambassador also pitched the proposal to Attorney General Carlos de Leon (on whose turf the commission would intrude) and to FRG Deputy Zury Rios Sosa (septel). De Leon expressed qualified support, noting that legal niceties had to be respected in giving an international mechanism authority to investigate. Rios said the FRG "would not oppose" but resisted being coaxed into a more positive position pending consultation with the party. The Ambassador will also raise the subject with the Foreign Minister and Vice President, both of whom have been at the Gutierrez inaugural in Quito. We are also encouraging support from the Guatemalan private sector and from colleagues in the Diplomatic community. In that vein, MINUGUA Director Tom Koenigs was more positive about the commission in a January 14 meeting with the Consultative Group Dialogue Group than he had been in a meeting January 6 with the Ambassador. End Comment.
Hamilton